IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 21907 of 2004

Between:

1 K. Gopala Krishna Sai, S/o. K. Bala Manohara Rao,
H.NO. 12-6-2/266, Gayatri Sadam, Shivalayam Lane,
Kukatpally, Ranga Reddy District.
2 Smt. S. Padmaja, W/o. Sai Ram,
R/o. Flat No. 202, H.NO. 12-6-2/266, Gayatri Sadam, Shivalayam

Lane, Kukatpally, Ranga Reddy District.
3 Katuri Kalyan Chakravarthy, S/o. Sri K. Nageswara Rao,
Owner of R/o. Flat No. 102, H.NO. 12-6-2/266, Gayatri Sadam,

Shivalayam Lane, Kukatpally.
4 B. Rama Mahan, S/o. B. Rama Krishna Rao,
R/o. Flat No. 101, H.NO. 12-6-2/266, Gayatri Sadam, Shivalayam

Lane, Kukatpally, Ranga Reddy District.

... PETITIONERS

AND

1 The Commissioner, Kukatpally Municipality, Kukatpally.
2 S. Bhaskara Rao, S/o. S. Ramulu,
Managing Partner of M/s. Pavani Builders, R/o. Flat NO. 305, V.B.R.

Residency, Sumitra Nagar, Kukatpally, Hyderabad - 500 072

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 1st respondent in demolishing the illegal construction of room made by the 2nd respondent in demolishing the illegal

construction of room made by the 2nd respondent in Cellar area of H.No. 12-6-2/266, Gayatri Sadan, Shivalayam Lane, Kukatpally, Ranga Reddy District, as illegal, arbitrary, contrary to the permission granted by the 1st respondent, and consequently direct the 1st respondent to demolish the same and to recover the necessary charges from the 2nd respondent for clearing the dust.

Counsel for the Petitioner: SMT.S.V.INDIRA

Counsel for the Respondent No.1: MR.R.TIMMA REDDY, S.C. for Municipality.

The Court, at the admission stage, made the following:

ORDER:

The only grievance of the petitioner is that even though he made representation dated 31-10-2004 to the first respondent – Commissioner complaining that the second respondent has illegally constructed a room in the common cellar contrary to the sanction plan, and therefore, steps be taken to demolish the same, no action had been taken on the representation as yet.

2. Heard the learned counsel for the petitioners and the learned Standing Counsel for respondents, and both of them agreed for disposal of the writ petition at the stage of admission.

3. Having regard to the facts and circumstances of the case, the writ petition is disposed of with a direction to the first respondent to consider and dispose of the representation dated 31-10-2004 filed by the petitioners, after issuing notice and opportunity of hearing to the second respondent.

The writ petition is accordingly disposed of.

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N. V. RAMANA, J

November 30, 2004

Note: *Furnish copy in three days*

(B/o)

MRR/GSN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Commissioner, Kukatpally Municipality, Kukatpally.
2 Two C.D. Copies.